

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 5 THEREOF ENTITLED "CAMPAIGN FINANCE REFORM" VIA THE ADDITION OF CODE SECTION 2-488 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA:

SECTION 1. That Miami Beach City Code Chapter 2, Article VII, Division 5 is hereby amended by adding Section 2-488 entitled "Prohibited Campaign Contributions of Lobbyists on Procurement Issues" to read as follows:

Sec. 2-488 Prohibited Campaign Contributions by Lobbyists on Procurement Issues.

(1) No lobbyist on a present or pending bid for goods, equipment or services or on a present or pending award for goods, equipment or services shall solicit for or give a campaign contribution directly or indirectly to a candidate, or to the campaign committee of a candidate, for the offices of mayor or commissioner.

(a) Commencing on the effective date of this ordinance, all proposed city contracts, as well as requests for proposals (RFP), requests for qualifications (RFQ), requests for letters of interest (RFLI), or bids issued by the City, shall incorporate this Ordinance so as to notify lobbyists of the proscription embodied herein.

(b) No candidate, or campaign committee of a candidate for the offices of mayor or commissioner, shall deposit into such candidate's campaign account any campaign contribution directly or indirectly from a lobbyist subject to the provisions of this ordinance. Candidates (or those acting on their behalf) shall ensure compliance with this code section by confirming with the City Clerk's records to verify the lobbyist status of any potential donor.

(2) A person who directly or indirectly solicits for or makes a contribution to a candidate who is elected to the office of mayor or commissioner shall be disqualified for a period of twelve months following the swearing in of the subject elected official from lobbying the City Commission in connection with a present or pending bid for goods, equipment or services or on a present or pending award for goods, equipment or services.

(3) A fine of up to \$500.00 shall be imposed on every person who violates this section. Each act of soliciting, giving or depositing a contribution in violation of this section shall constitute a separate violation. All contributions received by a candidate in violation of this section shall be forfeited to the City's general revenue fund.

(4) The term "contribution" shall have the meaning ascribed to such term in Chapter 106, Florida Statutes, as amended and supplemented.

SECTION 2. REPEALER

All ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

SECTION 3. SEVERABILITY

If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this ordinance.

SECTION 4. CODIFICATION

It is the intention of the Mayor and City Commission of the City of Miami Beach, and it is hereby ordained that the provisions of this ordinance shall become and be made a part of the Code of the City of Miami Beach, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section", "article," or other appropriate word.

SECTION 5. EFFECTIVE DATE

This Ordinance shall take effect the 15th day of February, 2003.

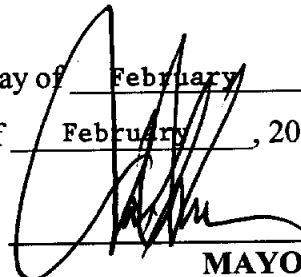
PASSED and ADOPTED this 5th day of February, 2003.

ATTEST:



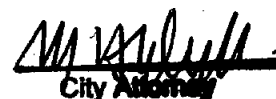
CITY CLERK

(Requested by Commissioner Saul Gross)


MAYOR

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

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City Attorney

14-83
Date

OFFICE OF THE CITY ATTORNEY

City of Miami Beach

F L O R I D A



MURRAY H. DUBBIN
City Attorney

Telephone: (305) 673-7470
Telecopy: (305) 673-7002

COMMISSION MEMORANDUM

TO: Mayor David Dermer
Members of the City Commission

DATE: February 5, 2003

FROM: Murray H. Dubbin
City Attorney

SUBJECT: Proposed Legislation amending City Code Chapter 2, Article VII, Division 5, entitled "Campaign Finance Reform" to include:

- City Code Section 2-488 "Prohibited Campaign Contributions by Lobbyists on Procurement Issues";
- City Code Section 2-489 "Prohibited Campaign Contributions by Real Estate Developers"; and
- City Code Section 2-490 "Prohibited Campaign Contributions by Lobbyists on Real Estate Development Issues".

Addressing concerns expressed by the City Commission with regards to the issue of existing campaign finance laws, the attached legislation is proposed as an amendment to City Code Chapter 2, Article VII, Division 5 entitled "Campaign Finance Reform". As reflected in previous deliberations, the City Commission found and has determined that legislation is necessary for the preservation of the integrity of representative democracy in the City of Miami Beach in order to prevent the appearance of undue influence and access to candidates and elected officials by contributors, and to prevent certain candidates from gaining an unfair advantage in a political marketplace, as well as to address the potential for abuse associated with certain campaign contributions which unfairly influence elections and create the perception that public officials may be influenced by special interests. By enacting the attached proposed legislation, the City Commission is pursuing its goal of reinstilling public faith and trust in the government, ensuring that competition among candidates in the political arena is truly a competition of political ideas, representing a level playing field for qualified individuals.

The attached ordinance (passed on first reading January 8, 2003) reflect the following:

- * City Code Section 2-488 entitled "Prohibited Campaign Contributions by Lobbyist on Procurement Issues";
- * City Code Section 2-489 entitled " Prohibited Campaign Contributions by Real Estate Developers"; and Code Section 2-490 entitled "Prohibited Campaign Contributions by Lobbyists on Real Estate Development Issues", which address the issue of prohibitions by campaign contributions by Real Estate Developers (as specifically defined within the Ordinance) and their lobbyists.

These measures incorporate amendments made at first reading and are thus ready for City Commission consideration.

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CITY OF MIAMI BEACH NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY given that public hearings will be held by the Mayor and City Commission of the City of Miami Beach, Florida, in the Commission Chambers, 3rd floor, City Hall, 1700 Convention Center Drive, Miami Beach, Florida, on Wednesday, February 5, 2003, at the times listed below to consider the following on first reading:

at 10:15 a.m.:

AN ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF THE CITY OF MIAMI BEACH ENTITLED "ADMINISTRATION"; BY AMENDING ARTICLE VI THEREOF ENTITLED "PROCUREMENT"; BY AMENDING DIVISION 3 ENTITLED "CONTRACT PROCEDURES"; BY AMENDING SECTIONS 2-367 AND 2-368; SAID AMENDMENTS RESPECTIVELY: 1) PROVIDING FOR THE CITY MANAGER WITH THE AUTHORITY TO REJECT ALL BIDS WITHIN CERTAIN PARAMETERS; AND 2) PROVIDING FOR THE ADMINISTRATION TO NEGOTIATE ON ANY CONSTRUCTION PROJECT WHEREBY THE LOWEST AND BEST BIDDER EXCEEDS THE BUDGETED AMOUNT; AND 3) PROVIDING THE CITY MANAGER WITH THE AUTHORITY TO APPROVE PURCHASES OF COMMODITIES, MATERIALS, SUPPLIES OR OTHER ITEMS ON A CONTINUING BASIS FROM CONTRACTS AWARDED BY THE SCHOOL BOARD OF MIAMI-DADE COUNTY; PROVIDING FOR REPEALER, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Procurement Department at (305) 673-7400.

at 10:30 a.m.:

AN ORDINANCE AMENDING CHAPTER 106 OF THE MIAMI BEACH CITY CODE ENTITLED "TRAFFIC AND VEHICLES" BY AMENDING ARTICLE II THEREOF ENTITLED "METERED PARKING" BY AMENDING DIVISION I ENTITLED "GENERALLY", BY AMENDING SECTION 106-55 (1), ENTITLED "EXCEPTIONS" BY PROVIDING FOR PARKING SMART CARD PROGRAM INCENTIVES AND AUTHORIZING THE CITY MANAGER TO ALLOW PARKING INCENTIVES FOR SPECIFIC INITIATIVES SPONSORED AND/OR PROMOTED BY THE CITY; PROVIDING FOR REPEALER, CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Parking Department at (305) 673-7505.

at 10:30 a.m.:

AN ORDINANCE AMENDING THE CODE OF THE CITY OF MIAMI BEACH, BY AMENDING CHAPTER 142, "ZONING DISTRICTS AND REGULATIONS," ARTICLE II, "DISTRICT REGULATIONS," SUBDIVISION III, "RM-PDS MULTIFAMILY PLANNED DEVELOPMENT DISTRICT," SECTION 142-185A, CLARIFYING THE AVERAGE UNIT SIZE FOR NEW CONSTRUCTION IS A MINIMUM OF 1,000 SQ. FT., ALLOWING THE SUBDIVISION OF LAND WITHIN SUCH DISTRICT, AS LONG AS THE PARENT PARCEL REMAINS IN COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS OF THAT SECTION, AND PROVIDING THAT ALL DEVELOPMENT WITHIN THE DISTRICT IS SUBJECT TO DESIGN REVIEW PROCEDURES, PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION AND AN EFFECTIVE DATE.

Inquiries may be directed to the Procurement Department at (305) 673-7400.

at 2:30 p.m.:

AN ORDINANCE AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 5 THEREOF ENTITLED "CAMPAIGN FINANCE REFORM" VIA THE ADDITION OF CODE SECTION 2-488 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON PROCUREMENT ISSUES"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND EFFECTIVE DATE.

AN ORDINANCE AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 5 THEREOF ENTITLED "CAMPAIGN FINANCE REFORM" VIA THE ADDITION OF CODE SECTION 2-489 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY REAL ESTATE DEVELOPERS"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

AN ORDINANCE AMENDING MIAMI BEACH CITY CODE CHAPTER 2, ARTICLE VII, DIVISION 5 THEREOF ENTITLED "CAMPAIGN FINANCE REFORM" VIA THE ADDITION OF CODE SECTION 2-490 ENTITLED "PROHIBITED CAMPAIGN CONTRIBUTIONS BY LOBBYISTS ON REAL ESTATE DEVELOPMENT ISSUES"; PROVIDING FOR REPEALER, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Inquiries may be directed to the Legal Department at (305) 673-7470.

ALL INTERESTED PARTIES are invited to appear at this meeting, or be represented by an agent, or to express their views in writing addressed to the City Commission, c/o the City Clerk, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. Copies of this ordinance are available for public inspection during normal business hours in the City Clerk's Office, 1700 Convention Center Drive, 1st Floor, City Hall, Miami Beach, Florida 33139. This meeting may be continued and under such circumstances additional legal notice would not be provided.

Robert E. Parmer, City Clerk
City of Miami Beach

Pursuant to Section 286.0105, Fla. Stat., the City hereby advises the public that: if a person decides to appeal any decision made by the City Commission with respect to any matter considered at its meeting or its hearing, such person must ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for the introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law.

In accordance with the Americans with Disabilities Act of 1990, persons needing special accommodation to participate in this proceeding should contact the City Clerk's office no later than four days prior to the proceeding, telephone (305) 673-7411 for assistance; if hearing impaired, telephone the Florida Relay Service numbers, (800) 965-8771 (TDD) or (800) 965-8770 (VOICE), for assistance.